

FIRST REGULAR SESSION

SENATE BILL NO. 114

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCOTT.

Pre-filed December 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

0241S.01I

AN ACT

To amend chapter 320, RSMo, by adding thereto one new section relating to emergency drought conditions, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 320, RSMo, is amended by adding thereto one new
2 section, to be known as section 320.350, to read as follows:

**320.350. 1. It is unlawful for any person to set fire to any forest,
2 grass, cropland, woodlands, wild lands, or marshes, or to build a
3 campfire or bonfire, or to burn trash or other material that may cause
4 a forest, grass, cropland, or woodlands fire in any county, counties, or
5 area within a county where because of emergency drought conditions,
6 an executive order issued by the governor has proclaimed the area in
7 extraordinary danger from fire.**

**8 2. The setting of any backfire by a local, state, or federal fire
9 agency as part of fire suppression activities or prescribed burns
10 conducted by authorized state or federal agencies and contained to state
11 or federally owned lands are exempted from this section.**

**12 3. The directors of the department of public safety and
13 department of conservation, upon notification from the state fire
14 marshal and state forester that emergency drought conditions exist,
15 shall advise the governor when the lands described in subsection 1 of
16 this section in any county, counties, or area within a county of this state
17 are in extraordinary danger from fire. The governor may by executive
18 order declare a drought emergency to exist and describe the general
19 boundaries of the area affected and where burning is prohibited.**

**20 4. The executive order may be amended or rescinded to adapt the
21 burning prohibition to any changes in emergency drought conditions, as**

22 determined by the state fire marshal and state forester, in the affected
23 areas or other areas in the state.

24 5. Any person who violates this section is guilty of a class A
25 misdemeanor.

26 6. In a separate cause of action in circuit court, political
27 subdivisions and volunteer fire protection associations, as defined in
28 section 320.300, may seek to recover from individuals violating
29 subsection 1 of this section those reasonable costs incurred in
30 responding to a fire caused by the individuals violating this section.

Unofficial

Bill

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